

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM

SUBTITLE 14

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII

CHAPTER 188

HOMELESS PROGRAMS

Subchapter 1 General Provisions

\$15-188-1	Chapter purposes
\$15-188-2	Definitions
\$15-188-3	Qualifying standards for provider agencies
\$15-188-4	Selection of provider agencies
\$15-188-5	Payments to provider agencies
\$15-188-6	Indemnity and insurance
\$15-188-7	Performance reports
\$15-188-8	Monitoring, maintenance, and access to records
\$15-188-9	Determination of eligibility and need
\$15-188-10	Abuse of assistance
\$15-188-11	Confidentiality
\$15-188-12	Remedies
\$15-188-13 to 15-188-30	(Reserved)

Subchapter 2 State Homeless Emergency Loans and
Grants Program

\$15-188-31	Program description and purpose
\$15-188-32	Source of funds
\$15-188-33	Program applications
\$15-188-34	Participant eligibility
\$15-188-35	Time limits
\$15-188-36	Eligible costs
\$15-188-37	Ineligible uses of program assistance
\$15-188-38	Limits on program assistance
\$15-188-39	Verification of information

Contents

\$15-188-40	Reporting requirements
\$15-188-41	Loan requirements
\$15-188-42	Delinquent loans
\$15-188-43	Grant requirements
\$\$15-188-44 to 15-188-60	(Reserved)

Subchapter 3 Homeless Shelter Stipend Program

\$15-188-61	Program description and purpose
\$15-188-62	Applications
\$15-188-63	Participant eligibility and priority
\$15-188-64	Wait list
\$15-188-65	Time limits
\$15-188-66	Shelter stipend rates
\$15-188-67	Paying qualified facility operators
\$15-188-68	Shelter stipend program conditions
\$15-188-69	Shelter and services payments
\$15-188-70	Eligible activities
\$15-188-71	Verification of information
\$15-188-72	Program agreement
\$15-188-73	Social services agreement
\$15-188-74	House rules
\$15-188-75	Withdrawal or termination of participation
\$15-188-76	Eviction
\$15-188-77 to 15-188-100	(Reserved)

Subchapter 4 Homeless Outreach Program

\$15-188-101	Program description and purpose
\$15-188-102	Eligible uses of assistance
\$15-188-103	Scope of services
\$15-188-104	Participant eligibility and priority
\$15-188-105 to 15-188-200	(Reserved)

Subchapter 5 Housing Opportunities for Persons with AIDS Program

\$15-188-201	Program description and purpose
\$15-188-202	Source of funds
\$15-188-203	Administration
\$15-188-204 to 15-188-300	(Reserved)

Subchapter 6 Shelter Plus Care Program

\$15-188-301 Program description and purpose
 \$15-188-302 Source of funds
 \$15-188-303 Administration
 \$15-188-304 to 15-188-400 (Reserved)

Subchapter 7 Emergency Shelter Grants Program

\$15-188-401 Program description and purpose
 \$15-188-402 Source of funds
 \$15-188-403 Administration
 \$15-188-404 to 15-188-500 (Reserved)

Historical Note: Chapter 15-188, Hawaii Administrative Rules is based substantially upon chapter 17-1199, Hawaii Administrative Rules.
 [Eff 3/10/93; R **OCT 25 1999**]

SUBCHAPTER 1

GENERAL PROVISIONS

\$15-188-1 Chapter purposes. The purpose of this chapter is to promulgate rules to:

- (1) Provide a timely and appropriate response to homelessness;
- (2) Respond to the growing number of homeless families and individuals who are unable to find affordable units to rent; and
- (3) Establish and govern the services and benefits that the corporation may provide for the homeless through homeless facilities.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452(b); SLH 1997, Act 350)

\$15-188-2 Definitions. As used in this chapter:
 "Administrative costs" means costs for general management, oversight, coordination, evaluation, and reporting of contracted services.

"Applicant" means a family or individual who

applies for participation in any program for the homeless under this chapter.

"Application" means the form used by a provider agency to obtain applicant information to determine whether an applicant is eligible to participate in any of the programs under this chapter.

"At-risk homeless" means families or individuals who are in jeopardy of becoming homeless within the next forty-five days or are being discharged within forty-five days from institutions, not including prisons or jails, in which they have been residents for more than thirty consecutive days; and

- (1) No subsequent residences have been identified; and
- (2) They lack the resources and support networks needed to obtain access to housing.

"Client costs" means costs directly benefiting a participant, through subsidy or purchase of services or supplies, which the participant receives directly.

"Corporation" means the housing and community development corporation of Hawaii.

"Executive director" means the executive director of the corporation or the executive director's designated representative.

"Facility operator" means an organization managing or operating a homeless facility pursuant to the stipend program and may include the corporation or a provider agency.

"Family" means:

- (1) Two or more persons who live or intend to live together as a unit, one of whom is a dependent, under nineteen years of age, related by blood, marriage, or operation of law, including foster children and hanai children; or
- (2) A person who is pregnant or in the process of securing legal custody of a minor child or children.

"Grant program" means the state homeless emergency loans and grants program.

"Hanai child" means a person, under nineteen years of age, for whom an applicant has provided food, nourishment, and support and who is known as the applicant's child among friends, relatives, and the community.

"House rules" means rules which provide for the internal management of a homeless facility and which

participants are required to follow.

"Intake" means the form used by provider agencies to obtain participant information to coordinate or deliver effective supportive services, including but not limited to demographic information.

"Operating costs" means non-personnel costs directly related to the operation and maintenance of a homeless facility or project under the state homeless programs and to the purchase of contracted services.

"Outreach program" means the state homeless outreach program.

"Participant" means a family or individual that is determined eligible for and receives shelter or services in any program for the homeless under this chapter.

"Personnel costs" means the costs incurred for operations or social services personnel in the provision of contracted services and includes salaries and wages, payroll taxes, and fringe benefits.

"Program agreement" means all written agreements or documents which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the occupancy and participation at a homeless facility.

"Program assistance" means any emergency loan or grant authorized under the grant program.

"Program fees" means the consideration charged by facility operators to participants in payment for shelter and services at a homeless facility and may be considered rent for the purposes of welfare benefits.

"Sheltered homeless" means families or individuals who:

- (1) Lack a fixed, regular, and adequate night-time residence; and
- (2) Have a primary night-time residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations or that is an institution that provides a temporary residence for individuals intended to be institutionalized and not to include prisons or jails.

"Social services agreement" means the agreement signed between a provider agency and a participant which outlines specific terms and conditions the participant must satisfy in order to continue participation in the program.

"Special needs" refers to the homeless population

that have particular needs, including but not limited to substance abusers, mentally ill persons, persons with HIV/AIDS, the elderly, the physically challenged, and runaway/throwaway youth.

"Stipend program" means the state homeless shelter stipend program.

"Supportive services" means services that are designed to address the needs of a participant, including but not limited to case management, job training, housing search assistance and counseling, educational classes, life skills training, child care, transportation, and substance abuse counseling.

"Unsheltered homeless" means families or individuals who have a primary night-time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including beaches, parks, automobiles, and streets. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452(b))

\$15-188-3 Qualifying standards for provider agencies. (a) Any provider agency applying for participation in any of the programs under this chapter shall meet the following requirements:

- (1) (A) Be a profit organization incorporated under the laws of the State; or
(B) Be a nonprofit organization determined by the Internal Revenue Service to be exempt from the federal income tax with a governing board whose members have no material conflict of interest and serve without compensation, with bylaws or policies that describe the manner in which business is conducted, and with policies that relate to nepotism and management of potential conflict of interest situations;
- (2) Have at least one year's experience with the project or in the program area for which the request is being made; provided that the corporation may grant an exception where the organization applying for a program under this chapter has otherwise demonstrated the necessary experience or expertise in the program area; and
- (3) Have no outstanding balances owing to the

corporation (exceptions may be granted by the executive director of the corporation for debts recently acquired and for debts which have an approved repayment plan).

(b) The corporation may further require qualified agencies to submit proposals, including but not limited to, information on the agency's background, position descriptions and staff resume, program plan and design, facilities or equipment, documentation proving control of facilities (leases, deeds, etc.), financial standing and budget projections, health and safety policies, and grievance procedures, to determine which provider agencies shall receive funds for any program under this chapter.

(c) The corporation may require provider agencies to have a functioning accounting system that is operated in accordance with generally accepted accounting principles or have an entity that will maintain such an accounting system and may further require provider agencies to submit additional information to ensure proper and accurate accounting.

(d) Upon the commencement and completion of a contract, the corporation may require a provider agency to submit to the corporation a valid tax clearance certificate from the department of taxation and the Internal Revenue Service, when required by state procurement law.

(e) Assistance may be provided to a contractor that is a primarily religious organization if the primarily religious organization agrees to provide all eligible activities under any program under this chapter in a manner that is free from religious influences and in accordance with the following principles:

- (1) It will not discriminate against any person applying for services on the basis of religion and will not limit such housing or other services or give preference to persons on the basis of religion;
 - (2) It will exert no religious influence in the provision of supportive services; and
 - (3) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion. [Eff **OCT 25 1999**]
- (Auth: HRS §201G-452(b)) (Imp: HRS §201G

451)

\$15-188-4 Selection of provider agencies. (a)

The corporation may advertise the availability of funds for programs under this chapter in the newspaper. The legal advertisement shall, at a minimum:

- (1) Give the location for obtaining proposal application packages, which will provide specific application requirements and guidelines; and
- (2) Specify the time and the place for submitting completed proposals.

(b) A provider agency applicant that applies for funding under the state homeless programs shall submit a proposal that meets the requirements of the request-for-proposal and the proposal application form, and shall be submitted within the time period established by the corporation.

(c) The proposal application for funding under the state homeless programs under this chapter, at a minimum, shall require the following information:

- (1) Provider agency applicant data;
- (2) A description of the proposed activities;
- (3) A description of need for the proposed activities;
- (4) A description of the number and characteristics of the persons who would be served by the proposed activities;
- (5) A description of the facility that will be used and policies and procedures on occupancy standards, if applicable;
- (6) A description of the provider agency applicant's grievance procedures; and
- (7) The amount of funds being requested under the state homeless programs.

(d) Proposals received by the deadline will be rated based on selection criteria provided in the request-for-proposal as determined by the executive director of the corporation. The selection process may consist of the following:

- (1) Review. Proposals may be reviewed to determine:
 - (A) Whether the proposal is adequate in time of submission, form, and completeness;
 - (B) Whether the provider agency applicant and the proposed population to be served

- are eligible under this chapter; and
- (C) Whether the proposed activities are eligible for assistance under the program.
- (2) Obtaining additional information. The provider agency applicant may be required by the corporation to submit additional project information that is necessary for clarification or confirmation of the information in the proposal, as specified by the corporation in writing to the provider agency applicant. The required additional information must be received in acceptable form by the deadline established by the corporation. The corporation reserves the right to remove any provider agency applicant from further consideration in the selection process, if the required additional information is not received in acceptable form by the established deadline.
- (e) Proposals for funds will be assigned a rating score and placed in ranked order, based upon the criteria detailed in the proposal application. The rating criteria may consist of the following:
 - (1) Provider agency applicant capacity;
 - (2) Targeting;
 - (3) Need for the project and of the proposed target applicants to be served;
 - (4) Project plan and effective service delivery; and
 - (5) Financial capacity and cost effectiveness.
- (f) If the corporation makes a procedural error in a funding competition that, when corrected, would warrant funding of an otherwise eligible proposal, the corporation will select that proposal for potential funding when sufficient funds become available.
- (g) After a proposal has been selected for funding, any change that will significantly alter the scope, location, service area, objectives of an activity or the number of eligible persons served must be justified in writing to the corporation and approved by the corporation.
- (h) Each conditionally selected provider agency applicant for funding may be required to provide additional project information to the corporation as a prerequisite to a contract award from the corporation.
- (i) The corporation may negotiate an alternative

contract amount with provider agencies other than the amount stated in an agency's proposal, subject to available funds.

(j) The corporation shall, subject to available funds and resources, address all counties in which homeless families or people congregate or reside through the programs under this chapter. There shall not be a mandatory allocation among the counties.

(k) If the request-for-proposal process fails to elicit a proposal to cover any significant geographic area, the corporation reserves the right to solicit a proposal from provider agencies serving that area.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-451)

§15-188-5 Payments to provider agencies. (a)

The corporation may make or may contract to make payments to a provider agency qualified under section 15-188-3.

(b) The corporation shall specify the total amount of the contract and the amount of payments to be made to a provider agency in the provider agency's contract with the corporation.

(c) The provider agency shall comply with the homeless program's administrative rules and contract obligations or payment may be withheld at the discretion of the corporation.

(d) A provider agency may request payments by submitting a payment request in the form prescribed by the corporation. As applicable, the payment request shall include a computation of the funds requested, the contract reference number, and an attestation that the services for which the payment is being requested are being and will be satisfactorily rendered and that all contractual obligations under the contract are and will be duly fulfilled.

(e) The corporation reserves the right to reallocate the portion of the awarded contract amount that was unearned or unexpended on a timely basis.

(f) The corporation shall withhold a percentage of the total contract amount as final payment subject to compliance with all contract terms and conditions and satisfactory submittal of all reports.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-455)

§15-188-6 Indemnity and insurance. (a) The corporation and the State shall not be held liable for any claims, damages, causes of actions, or suits resulting from any acts or activities of a provider agency.

(b) Provider agencies shall indemnify, defend, and hold harmless the corporation, and their officers, agents, and employees from any liability, actions, claims, suits, damages, or costs arising out of or resulting from the acts or omissions of a provider agency, its officers, employees, agents, or subcontractors occurring in connection with activities under this chapter.

(c) Provider agencies shall obtain and keep in force general liability insurance and automobile insurance, for an amount as specified in the request-for-proposal and any additional amounts requested by the corporation as applicable. Provider agencies shall obtain insurance from a company authorized to conduct business in the State or an out-of-state company approved by the corporation, and provide the corporation with a certificate of insurance to verify the existence of the insurance. The certificate shall be in the amount required and name the housing and community development corporation of Hawaii as an additional insured. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-7 Performance reports. (a) A provider agency shall submit to the corporation a report describing the use of the funds received, including but not limited to the number of families and individuals assisted and the types of assistance provided.

(b) The corporation may require provider agencies to submit activity and financial reports in a form prescribed by the corporation.

(c) The corporation may require provider agencies to submit additional program information or records from time to time, including but not limited to demographic and program activity information, for use in a centralized database.

(d) If an amount of reported expenditures by a provider agency is determined by the corporation to be inappropriate or unallowable, the corporation may require that an equivalent amount of monies be refunded by the provider agency to the corporation.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-8 Monitoring, maintenance, and access to records. (a) Performance of all provider agencies will be monitored on an ongoing basis by the corporation. The corporation may conduct monitoring through file reviews, site inspections, interviews, and other methods.

(b) If a provider agency fails to adequately address monitoring findings, the corporation may suspend or cancel payments to the provider agency, or terminate the contract without prejudice.

(c) The State, the corporation, the state comptroller, and any authorized representatives, the committees and their staffs of the state legislature and the legislative auditor shall have the right of access to any book, document, paper, file, or other record of the contractor that is related to the performance of services in order to conduct monitoring and evaluation of the provider agency's performance of services and the agency's program, management, and fiscal practices.

(d) The right of access shall not be limited to the required retention but shall last as long as the records are retained. The provider agency shall be required to retain all records for at least three years, except if any litigation, investigation, audits, or other action is underway. The corporation may set time limits of more than three years for the required retention of records for specific homeless programs.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-9 Determination of eligibility and need.

(a) Adequate verification of eligibility shall be documented and maintained by the provider agency providing shelter or services to a homeless family or individual or the corporation operating and managing its own homeless facility.

(b) An applicant determined to be ineligible for participation in any of the programs for the homeless under this chapter shall be notified in writing of the determination, the reasons of the ineligibility by the provider agency, and the right to appeal and due

process pursuant to chapter 15-191. If the applicant is unsheltered homeless, the provider agency shall make reasonable attempts to satisfy this notification requirement.

(c) An applicant to any of the programs for the homeless under this chapter may be denied assistance when the applicant has:

- (1) Failed to meet eligibility criteria as defined by the provider agency;
- (2) Submitted false or misleading information or willfully withheld important information from the provider agency providing services; and
- (3) Endangered staff, other clients, or any other person by violent or otherwise threatening behavior.

(d) An applicant determined to be ineligible may file an appeal with the provider agency.

(e) The corporation has the authority to impose additional rules on those projects or programs that are unique in serving a special needs homeless population.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-457)

§15-188-10 Abuse of assistance. (a) A participant in any of the programs for the homeless under this chapter may be terminated when a participant has:

- (1) Submitted false or misleading information or willfully withheld important information from the provider agency providing services;
- (2) Violated any provision of these rules;
- (3) Violated any provision of a written agreement between the provider agency and the participant;
- (4) Become ineligible according to the provider agency's eligibility criteria;
- (5) Become ineligible according to the provider agency's program policies; or
- (6) Endangered staff, other participants or any other person by violent or otherwise threatening behavior.

(b) Any homeless family or individual barred from participating partially or fully in any homeless facility or program pursuant to subsection (a), or who receives any adverse actions against them under subsection (a), shall be informed of this decision in

writing. Such homeless family or individual shall retain the right of appeal and due process pursuant to chapter 15-191. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-458)

§15-188-11 Confidentiality. All information as to personal facts given or made available to the corporation or a provider agency in the course of the administration of any homeless program under this chapter shall be confidential subject to the following:

- (1) All information shall be kept in confidential records and filed in secured equipment or rooms of the provider agency;
- (2) Information may be released with the specific written consent of the applicant or participant provided that an agency participating in the outreach program may share confidential information with other agencies or individuals when a specific situation involving a participant warrants such release of information, including but not limited to, a threat to the health, safety, or welfare of the participant;
- (3) Information may be released upon presentation of a subpoena or court order as part of a judicial proceeding;
- (4) The corporation or its designee shall have access to confidential information that is related to the performance of services for the purposes of monitoring, auditing, or evaluating the provider agency's performance; and
- (5) The corporation shall have access to information, including but not limited to name, social security number, status of homeless situation, and other demographic information, for the purposes of maintaining a participant database for any program under this chapter. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-12 Remedies. (a) If a provider agency fails to comply with contract terms or submit required reports on a timely basis, the corporation may suspend or cancel payments to the provider agency, or terminate

the contract without prejudice.

(b) If the corporation suspends payments to a provider agency that fails to comply with contract terms, the corporation shall not be required to make interest payments.

(c) Upon the termination date of a contract, if a provider agency fails to submit all required documents to the corporation, including but not limited to a final activity and financial report, and a valid tax clearance certificate from the department of taxation and the Internal Revenue Service, when required by state procurement law, the corporation may cancel payments to the provider agency or assign the payment to offset the debt owed to the department of taxation.
[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§§15-188-13 to 15-188-30 (Reserved).

SUBCHAPTER 2

STATE HOMELESS EMERGENCY LOANS AND GRANTS PROGRAM

§15-188-31 Program description and purpose. The homeless emergency loans and grants program is an emergency financial assistance program of the corporation to assist homeless and at-risk homeless families and individuals. The purpose of the program is to make available to eligible homeless families and persons and at-risk homeless program assistance to prevent, avoid, or remedy homelessness and its associated dangers.
[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-32 Source of funds. (a) The corporation may receive funds to be used for the grant program from state sources, other governments, or from non-governmental sources.

(b) Funds received shall be used for program assistance needs as described in section 15-188-36(a). Unless otherwise restricted at the discretion of the corporation, there shall not be a mandatory allocation

among the needs. The corporation may reserve an amount of the funds for administration of the program.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-33 Program applications. (a) The provider agency shall accept applications for program assistance at sites that are geographically accessible to all homeless families and individuals in the area served by the provider agency.

(b) A provider agency may limit the number of applications for program assistance that will be accepted from eligible homeless families or individuals during any period.

(c) An applicant to the grant program shall submit a completed application form, which includes information, related to the request for program assistance. This information shall include but not be limited to, the applicant's name, social security number, marital status, spouse or any other adult in the household's name, family composition information, present housing or homeless status, employment status, income and expenses information, amount and type of grant being requested, date of application, and date of completed application.

(d) The application may be on a form prescribed by the corporation. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-457)

\$15-188-34 Participant eligibility. (a) In order to be eligible to participate in the grant program, an applicant shall:

- (1) Submit a completed application, including but not limited to verification documentation pursuant to section 15-188-39;
- (2) Qualify as a homeless or at-risk homeless family or individual;
- (3) Have earning capabilities or have a financial situation which gives reasonable assurance of meeting future rental payments in a timely manner when program assistance is used for housing costs;
- (4) Provide information regarding the causes of the emergency situation or any other pertinent information which the agency

requires to conduct a meaningful assessment of the applicant's emergency situation; and

- (5) Agree to participate in any social service activities that may be required by the provider agency to ensure avoidance of a similar situation.

(b) A provider agency may require additional eligibility requirements which are directly related to the needs and characteristics of the target population being served by the provider agency; provided that the requirements do not violate any discrimination or other laws.

(c) The corporation may set limits on the percentage served of unsheltered, sheltered, and at-risk homeless participants. [Eff **OCT 25 1999**]
(Auth: HRS §201G-452(b)) (Imp: HRS §201G-457)

§15-188-35 Time limits. (a) When funds are available, program assistance shall be provided to an eligible homeless family or individual no later than:

- (1) A week after they apply and qualify for program loan assistance;
- (2) Three working days after they apply and qualify for program grant assistance; and
- (3) Eighteen hours after they apply and qualify for program grant assistance when the eligible homeless family or individual is in a life-threatening situation.

(b) The provider agency shall be responsible for deciding whether the situation is life-threatening.
[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-456, 201G-457)

§15-188-36 Eligible costs. (a) Program assistance funds may be used to help an eligible homeless family or individual with one or more of the following costs:

- (1) Housing or shelter, including but not limited to rental deposit and rent, utility costs, including utility deposit, and transient shelter needs such as blankets;
- (2) Food, including food preparation equipment or supplies or eating utensils and supplies, including transient shelter needs such as portable stoves and fuel;

- (3) Medical care or medicine;
- (4) Transportation and job-hunting expenses or expenses involved with getting qualification documentation for public assistance programs;
- (5) Child and dependent care costs; or
- (6) Other emergency needs.

(b) Program assistance shall be provided directly to the prospective landlord, utility company, medical care or childcare provider, or vendor on behalf of the participant. Program assistance to food providers or supermarkets in the form of food certificates shall be made with the provision that the food certificates shall not be used for alcohol, tobacco, or any non-food products and shall be used in whole with no cash reimbursement over one dollar.

(c) Program assistance funds may be used one time only per fiscal year for rental deposit and rent per eligible homeless family or individual.

(d) Adequate verification of expenses shall be documented by the provider agency.

(e) A provider agency may use program assistance funds for administrative costs not to exceed fifteen per cent of the total amount of grant assistance issued. [Eff. **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-457)

§15-188-37 Ineligible uses of program assistance.

(a) Ineligible uses of program assistance funds shall include but not be limited to:

- (1) Any payment for which other appropriate resources available to a participant exist;
- (2) Applicant's portion of financial responsibility for government subsidized housing;
- (3) Automobile purchases, loans, or major repairs where public transportation is available;
- (4) Airline tickets for relocation purposes;
- (5) Mortgage payments where equity exists for the residence;
- (6) Tax payments;
- (7) Entertainment costs;
- (8) Telephone or television cable costs;
- (9) Funeral costs; and
- (10) Education grants.

(b) The executive director of the corporation may for good cause grant an exception to any ineligible

uses of program assistance in subsection (a) where compelling need and justification are provided in writing.

(c) The executive director of the corporation may establish additional policies regarding ineligible uses of grant assistance as necessary. [Eff **OCT 25 1999**]
(Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-38 Limits on program assistance. (a) Assistance shall be made only to the extent that funds are available.

(b) Program assistance also shall not exceed:

- (1) \$1,100 in grants and \$1,100 in loans for an eligible homeless person per fiscal year;
- (2) \$1,500 in grants and \$1,500 in loans for an eligible homeless family of two members per fiscal year; and
- (3) \$2,500 in grants and \$2,500 in loans for an eligible homeless family of three or more per fiscal year.

(c) The ceilings established in subsection (b) were adjusted on July 1, 1992, and may be adjusted on each July 1st thereafter, based on the change in the consumer price index for the preceding calendar year, rounded off to the nearest dollar.

(d) A provider agency may set limits less than those allowable by the corporation under subsections (b) and (c). The provider agency shall be required to obtain prior written approval from the corporation to set limits less than those allowable under subsections (b) and (c).

(e) A provider agency is expressly allowed to pool their available program resources or otherwise give loan(s) or grant(s) from more than one provider agency to a program assistance participant, as long as the aggregate amount does not exceed the limits set in subsections (b) and (c) or otherwise violate this chapter.

(f) A provider agency may impose requirements on the participant in order to receive program assistance, including but not limited to, participating in social services.

(g) A provider agency shall be required to provide to the corporation relevant participant and grant information prior to the issuance of all and any program assistance to ensure that an applicant has not

exceeded the limits allowable in subsections (b) and (c).

(h) A provider agency shall monitor the levels of assistance provided to each program participant. The provider agency shall take appropriate action to ensure that participants do not receive assistance over the ceilings established in subsections (b), (c), and (d).

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§ 201G-452, 201G-457)

\$15-188-39 Verification of information. (a) A provider agency shall obtain documentation to verify applicant information relating to participation in the grant program. This documentation shall include but not be limited to:

- (1) Homeless status: if at-risk homeless, eviction notice from current residence, lease agreement for the unit from which the participant is being evicted, the unit to which the participant will move to, and general excise tax license number of landlord of unit for which the grant will be issued;
- (2) Expenses and income, including but not limited to pay stubs, and verification of benefits;
- (3) For housing-related program assistance, a copy of the lease agreement for which the assistance will go towards and the landlord's general excise tax license number;
- (4) For sheltered homeless, verification from the shelter staff at which the applicant is residing; and
- (5) For unsheltered homeless, verification from another provider agency, an outreach worker, case worker, or other appropriate source.

(b) An applicant to the grant program who fails to comply with the requirements to provide verifying documentation shall be ineligible to participate in the grant program. A provider agency may set time limits as to how long an applicant has to submit information.

(c) A provider agency shall maintain verification documentation of eligibility of a participant and eligibility of the use of program assistance.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-457)

§15-188-40 Reporting requirements. (a) A provider agency shall provide to the corporation relevant participant and grant information in a participants' levels of program assistance report.

(b) A provider agency that disburses funds for this program shall be required to submit summary reports and appropriate documentation of program assistance. Program assistance found to be used for an ineligible cost or an ineligible participant shall be reimbursed by the provider agency expending such program assistance. The executive director for the corporation may for good cause grant an exception to any ineligible use of program assistance where compelling need and justification are provided in writing. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-41 Loan requirements. (a) A provider agency shall determine the terms of any program assistance given in the form of a loan, subject to this section. A provider agency may require other terms not inconsistent with those set by this section.

(b) Program assistance loans shall:

- (1) Have a signed promissory note payable to the State of Hawaii;
- (2) Carry no interest;
- (3) Have no closing costs or other fees; and
- (4) Have a term of not more than twelve months from receipt of the loan, except for rental deposit loans, which may have terms of not more than twenty-four months.

(c) The current loan balance of any non-delinquent participant shall be applied toward the loan limits established in section 15-188-38.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §15-188-41, §201G-452)

§15-188-42 Delinquent loans. (a) A provider agency shall be responsible to decide whether any loan is delinquent.

(b) Besides any other actions taken, delinquent loan amounts under this program may be deducted from monetary payments due the delinquent participant by any agency of the State.

(c) Any program participant with delinquent

program loan amounts shall be ineligible to participate further in the grant program until the delinquency is repaid. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-457)

\$15-188-43 Grant requirements. Within the limits established by this chapter, a provider agency shall determine the terms of any program assistance given in the form of a grant. A provider agency may require other terms not inconsistent with those set by this chapter. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-457)

§§15-188-44 to 15-188-60 (Reserved).

SUBCHAPTER 3

HOMELESS SHELTER STIPEND PROGRAM

\$15-188-61 Program description and purpose. The homeless shelter stipend program assists eligible homeless families and individuals to receive shelter and services at emergency and transitional shelters by making payments to facility operators on behalf of the eligible homeless families and individuals. The purpose of the program is to assist facility operators in paying for costs involved in providing shelter and services to eligible homeless families and individuals. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-62 Applications. (a) A facility operator shall obtain an application from each individual or family applying for the program according to the criteria as indicated in section 15-188-63.

(b) A facility operator shall conduct a personal interview with the applicant. Failure of the applicant to appear at the personal interview without reasonable notice may be deemed a withdrawal of the application and the facility operator shall not be required to process the application any further.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp:

HRS §§201G-452(b), 201G-457)

§15-188-63 Participant eligibility and priority.

a) In order to be eligible for shelter and services provided through the stipend program, an applicant shall:

- (1) Submit a completed application, including but not limited to providing verification documentation pursuant to section 15-188-71;
- (2) Qualify as a homeless or at-risk homeless family or individual;
- (3) Execute a release of information form in order for the facility operator to determine the applicant's eligibility or continued eligibility; and
- (4) Have the financial ability that gives reasonable assurance of meeting the program fee payments on time as they become due;

(b) Additionally, the following requirements shall apply to transitional shelter applicants:

- (1) Agree to provide information and any supporting documentation which the facility operator requires to complete a comprehensive intake to ensure that an appropriate and accurate assessment may be conducted;
- (2) Agree to provide information which the facility operator requires to conduct a complete and comprehensive assessment of the applicant's situation;
- (3) Agree to participate in any supportive services that may be required by the facility operator, including but not limited to the development and implementation of a social services agreement as established by section 15-188-73, to ensure avoidance of a similar situation;
- (4) Be capable of independent living, or capable of maintaining self with live-in aide or support services in the community; and

(c) The facility operator shall not be required to process any application in which the applicant fails to comply with subsections (a) and (b).

(d) A facility operator may require additional eligibility information that is directly related to the needs and characteristics of the target population being served or that would ensure the safety of the

homeless facility.

(e) Priority shall be given to eligible homeless families and individuals in the following order:

- (1) Unsheltered homeless;
- (2) Sheltered homeless residing at emergency shelters;
- (3) Any other sheltered homeless;
- (4) At-risk homeless.

(f) The executive director may establish exceptions to these priorities based on special circumstances.

(g) The corporation may set limits on the percentage served of unsheltered, sheltered, and at-risk homeless participants.

(h) A facility operator may establish additional priorities based upon, but not limited to, the needs of the target population to be served upon the approval of the corporation. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-452, 201G-457)

\$15-188-64 Wait list. (a) The facility operator shall place an eligible applicant on a wait list if no appropriate unit is available.

(b) The facility operator shall admit eligible applicants from the wait list according to written policies and procedures. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-452(b))

\$15-188-65 Time limits. (a) To the extent resources are available, the facility operator may allow a participant to reside in a unit of a transitional homeless shelter for up to twenty-four months.

(b) A facility operator may grant an extension to the term of residency, provided that the facility operator obtains written approval from the executive director or designated representative. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-451)

\$15-188-66 Shelter stipend rates. (a) The contract will specify a shelter stipend rate to be received by a facility operator.

(b) The stipend limits may be adjusted by the corporation each first day of July which may be based

on any or a combination of the following changes in the cost of operating homeless facilities: the fair market rents, the consumer price index, or other relevant factors for the preceding calendar year, rounded off to the nearest dollar.

(c) In geographical areas where an economy of scale does not exist for homeless services, the corporation may establish, on a basis of no more than five consecutive years, a temporary stipend rate in excess of the stipend limits.

(d) Where the costs of a homeless facility, including but not limited to repair, maintenance, security, and operations, and the costs of services temporarily are raised because of circumstances outside the control of the facility operator, the corporation may establish a temporary stipend rate in excess of the stipend limits.

(e) The corporation may establish further exceptions to the stipend limits set, based on special needs and circumstances. [Eff: **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-464)

§15-188-67 Paying qualified facility operators.

(a) The corporation may make or contract to make shelter stipend payments to a facility operator on behalf of eligible homeless families or individuals.

(b) The contract shall specify the amount of shelter stipend payment to be made to the facility operator on behalf of the eligible homeless families or individuals who have received assistance through the facility operator. Within set stipend limits, the corporation shall determine the amount of stipend based on, but not limited to, the amount of available funds, the degree of need, the level of services being provided and the cost and efficiency of operation of the shelter.

(c) The shelter stipend payment may be made in advance by the corporation on a quarterly basis. Subject to the availability of funds, the payments to facility operators shall be made in a timely manner.

(d) In making shelter stipend payments to a facility operator, the corporation may:

- (1) Establish minimal services to be provided by the facility operator; and
- (2) Direct facility operators to establish and manage a savings account program pursuant to

section 201G-464(c), HRS, subject to guidelines established by the corporation to safeguard the interests of participants.

(e) A facility operator shall submit a payment request for each receipt of funds in the form prescribed by the corporation. As applicable, the payment request shall include a computation of the funds sought, and an attestation that the services for which the payment is being requested are being and will be satisfactorily rendered and that all contractual obligations are and will be duly fulfilled.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-68 Shelter stipend program conditions.

(a) In contracting with a qualified provider agency, the corporation may establish minimal services to be provided by the provider agency to homeless families and individuals at its shelter.

(b) For an emergency shelter, the minimal services under subsection (a) shall include access to meals, clothing, shelter, sanitation facilities, security, case management, and provision or referral to medical care and social services.

(c) For a transitional shelter (including scattered sites), the minimal services under subsection (a) shall include adequate meals or cooking facilities with access to emergency food supplies, access to clothing, shelter, sanitation facility, security, case management, provision or referral to medical care and social services, and child care referral plan.

(d) Facility operators who are operating a scattered site homeless facility shall comply with all the requirements of a transitional shelter and the following requirements, at a minimum:

- (1) Maintain adequate housing quality standards in writing;
- (2) Perform inspections of each site;
- (3) Secure a copy of the lease or rental agreement; and
- (4) Ensure compliance with all state and local zoning, housing, and building codes.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b))
(Imp: HRS §201G-452)

§15-188-69 Shelter and services payments. (a)

In addition to receiving shelter stipend payments from the corporation or any donations or other payments from other public or private sources, a facility operator under this subchapter may collect program fees from participants at its homeless facility.

(b) The method and amount of shelter and services payments collected by facility operators shall be set by the respective facility operator, subject to this section. The total payment for shelter and services, and utilities shall not exceed the limits for stipends as set forth in section 15-188-66 provided that in cases where a facility operator is receiving funding from any other state, county, or federal source for the shelter project, the shelter payment requirements imposed by such sources shall control and the facility operator shall not be allowed to collect stipends for any participant whose shelter and service payment exceeds said limits; and further provided that the corporation may establish exceptions to the payment limits set in this subsection, based on special circumstances.

(c) A facility operator may:

- (1) Establish and collect shelter and service payments from participants in addition to the amount received in shelter stipend pursuant to section 15-188-66; and
- (2) Set aside a portion of the payments in a savings account to be made available to participants when these participants vacate the homeless facility and subject to guidelines established by the corporation.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §§201G-452, 201G-464)

§15-188-70 Eligible activities. (a) A facility operator may use stipend program funds for one or more of the following costs:

- (1) Personnel costs;
- (2) Operating costs;
- (3) Client costs; and
- (4) Administrative costs, not to exceed fifteen per cent of facility operator's stipend contract.

(b) The corporation may prioritize and limit any eligible activities and related costs identified in

subsection (a).

(c) Adequate verification of eligible activities and their related costs shall be documented by the provider agency. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-452)

\$15-188-71 Verification of information. (a) The facility operator shall require an applicant or participant to provide documentation to verify information relating to participation in the stipend program. This documentation shall include but not be limited to:

(1) Homeless status, including but not limited to the following:

- (A) For unsheltered homeless, verification from another provider agency, an outreach worker, case worker, or other appropriate source as approved by the corporation;
- (B) For sheltered homeless, verification from the shelter staff at which the applicant is residing, or other appropriate source as approved by the corporation; and
- (C) For at-risk homeless, lease agreement for living unit from which applicant is being evicted and eviction notice signed by landlord or other appropriate documentation as approved by the corporation;

(2) Financial information, including but not limited to verification of income and expenses; and

(3) Employment information, including but not limited to pay stubs.

(b) An applicant who fails to comply with the requirement to provide documentation will be ineligible to participate in the program.

(c) A participant who fails to comply with the requirement to provide documentation will be ineligible to continue to qualify to participate in the program.

(d) The facility operator shall maintain verification documentation of eligibility for each participant and accurate records of participants served. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-452)

§15-188-72 Program agreement. (a) A participant shall enter into a program agreement with the facility operator which sets forth the conditions of occupancy of a unit. The agreement shall include, but not be limited to, the following:

- (1) Program fees to be paid by the participant for use of a unit and services of the shelter facility;
- (2) Occupancy standards with which the participant shall comply;
- (3) House rules;
- (4) Responsibilities of the participant for continued occupancy of the unit; and
- (5) Social services agreement.

(b) No participant shall be permitted to remain in a unit without a valid program agreement.

(c) The facility operator may terminate the program agreement if the participant violates any of the conditions of occupancy as provided in the agreement.

(d) An emergency homeless shelter is not required to have subsections (a) and (b) implemented.

[Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §15-188-72, §201G-457, 201G-458)

§15-188-73 Social services agreement. (a) The eligible applicant who has been selected to enter the program and become a participant in a unit of a transitional homeless shelter shall enter into a social services agreement with the facility operator. The agreement shall include, but not be limited to, the following:

- (1) An individualized assessment of the financial, health, housing, vocational, educational, and social needs of the participant and participant's family members, if applicable;
- (2) Identification of goals and objectives to address the participant's assessed needs; and
- (3) Identification of timeline, activities, and tasks to accomplish the participant's goals and objectives.

(b) The facility operator shall monitor the participant to evaluate the progress of the participant in satisfying the terms of the social services agreement.

(c) The facility operator may terminate the social services agreement if the participant does not comply with or meet the goals and objectives of the social services agreement as determined by the facility operator. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$\$201G-457, 201G-458)

\$15-188-74 House rules. (a) The facility operator shall provide a copy of the house rules for a homeless facility to each participant of the homeless facility at the time a participant commences occupancy in the homeless facility.

(b) The house rules shall include, if applicable, but not be limited to the following:

- (1) Uses of the common areas;
- (2) Visitor or guest policies;
- (3) Prohibited participant conduct;
- (4) Responsibility of participants regarding members of family;
- (5) Unit inspections;
- (6) Facility and common area safety;
- (7) Pet policy; and
- (8) Facility sanitation.

(c) A copy of the house rules shall be filed with the director of commerce and consumer affairs. [Eff **OCT 25 1999**] (Auth: HRS \$201G-452(b)) (Imp: HRS \$201G-455)

\$15-188-75 Withdrawal or termination of participation. (a) A participant shall give the facility operator at least fifteen days written notice prior to the date the participant will withdraw from participation in the program.

(b) The facility operator may terminate a participant's participation in the program when the participant has had the social services agreement terminated by the facility operator.

(c) A participant refusing a public housing offer made by the corporation may jeopardize participation in the program under this chapter if the facility operator determines the refusal of offer was done without reasonable cause or a prior approval was not obtained from the facility operator.

(d) A participant found to be ineligible for continued participation in the program shall be

notified in writing of the reasons therefor and the right to a hearing with the facility operator and other appeals procedure as provided in chapter 15-191. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-458)

§15-188-76 Eviction. The facility operator may evict a participant and obtain possession of the unit as provided in chapter 15-192. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-458)

§§15-188-77 to 15-188-100 (Reserved).

SUBCHAPTER 4

HOMELESS OUTREACH PROGRAM

§15-188-101 Program description and purpose. The homeless outreach program is a program of the corporation to provide assistance to unsheltered homeless families and individuals. The purpose of the program is to make available intake and referral services and other needed services to the unsheltered homeless who might not otherwise receive assistance. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-102 Eligible uses of assistance. (a) Provider agencies may use program funds for the following costs:

- (1) Personnel costs;
- (2) Operating costs;
- (3) Client costs; and
- (4) Administrative costs, not to exceed fifteen per cent of the provider agency's outreach program contract.

(b) The corporation may prioritize and limit any eligible activities and related costs identified in subsection (a) in order to maximize the limited amount of outreach program funding.

(c) The executive director of the corporation may identify ineligible uses of program assistance. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp:

HRS §201G-452)

§15-188-103 Scope of services. Outreach services may include the following services:

- (1) Provision of emergency supplies, such as food, clothing, hygiene, or basic shelter supplies, where necessary;
- (2) Provision of basic medical attention and referral where necessary;
- (3) Intake, including obtaining participant information regarding the participant's background, history, and basic demographic data;
- (4) Assessment, including identifying the needs and barriers to attaining an improved living condition;
- (5) Counseling and referral, including assisting the participant in addressing identified needs and barriers, and facilitating referrals to local, state, and federal programs and private sector agencies for further services, such as emergency or transitional shelter, employment training, mental health services, or educational training, where necessary; and
- (6) Monitoring and follow-up, where feasible, including tracking the participant's progress. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-104 Participant eligibility and priority.

- (a) In order to be eligible for outreach services provided through the outreach program, a participant shall be qualified as an eligible homeless family or individual.
- (b) Priority shall be given to eligible homeless families and individuals in the following order:
 - (1) Unsheltered homeless;
 - (2) Sheltered homeless; or
 - (3) At-risk homeless.
- (c) The corporation may establish exceptions to these priorities based on special circumstances. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$\$15-188-105 to 15-188-200 (Reserved).

SUBCHAPTER 5

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

\$15-188-201 Program description and purpose. The housing opportunities for persons with AIDS program is designed to provide states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with acquired immunodeficiency syndrome (AIDS) or related diseases and their families. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-202 Source of funds. (a) The corporation may receive federal funds to be used for the Housing Opportunities for Persons with AIDS program from the United States Department of Housing and Urban Development or from other governmental sources.

(b) Funds received shall be used for program assistance needs as described in 24 Code of Federal Regulations, Part 574. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

\$15-188-203 Administration. The corporation shall administer this subchapter pursuant to the federal government's implementing regulations published in 24 Code of Federal Regulations, Part 574. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452, 24 CFR 85.36)

\$\$15-188-204 to 15-188-300 (Reserved).

SUBCHAPTER 6

SHELTER PLUS CARE PROGRAM

§15-188-301 Program description and purpose. The Shelter Plus Care program is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities and their families who are living in places not intended for human habitation or in emergency shelters. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-302 Source of funds. (a) The corporation may receive federal funds to be used for the Shelter Plus Care program from the United States Department of Housing and Urban Development or from other governmental sources.

(b) Funds received shall be used for program assistance needs as described in 24 Code of Federal Regulations, Part 582. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-303 Administration. The corporation shall administer this subchapter pursuant to the federal government's implementing regulations published in 24 Code of Federal Regulations, Part 574. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452, 24 CFR 85.36)

§§15-188-304 to 15-188-400 (Reserved).

SUBCHAPTER 7

EMERGENCY SHELTER GRANTS PROGRAM

§15-188-401 Program description and purpose. The Emergency Shelter Grants program is designed to provide states and localities with resources to improve the quality of existing emergency shelters or make available additional shelters, and provide certain

essential services to homeless individuals and homeless prevention activities. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452)

§15-188-402 Source of funds. (a) The corporation may receive federal funds to be used for the Emergency Shelter Grants program from the United States Department of Housing and Urban Development or from other governmental sources.

(b) Funds received shall be used for program assistance needs as described in 24 Code of Federal Regulations, Part 576. [Eff **OCT 25 1999**] (Auth: HRS § 201G-452(b)) (Imp: HRS §201G-452)

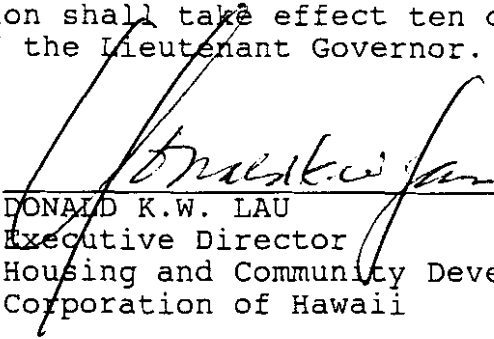
§15-188-403 Administration. The corporation shall administer this subchapter pursuant to the federal government's implementing regulations published in 24 Code of Federal Regulations, Part 576. [Eff **OCT 25 1999**] (Auth: HRS §201G-452(b)) (Imp: HRS §201G-452, 24 C.F.R. §85.36)

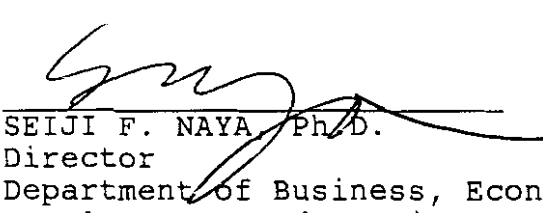
§§15-188-404 to 15-188-500 (Reserved).

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT,
AND TOURISM

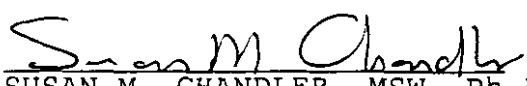
The repeal of chapter 17-1199 and the adoption of chapter 15-188, Hawaii Administrative Rules, on the Summary Page dated August 27, 1999, was adopted on August 27, 1999, following public hearings held on Maui on July 15, 1999, Hilo on July 16, 1999, Oahu on July 19, 1999, and Kauai on July 20, 1999, after public notice was given in the Midweek newspaper on June 7, 1999.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.


DONALD K.W. LAU
Executive Director
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State of Hawaii

Dated: 10-14-99

OCT 15 1999

Filed

LIEUTENANT GOVERNOR'S
OFFICE

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